

SENATE BILL 43

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R2

2001 Regular Session  
1r0061

(PRE-FILED)

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By: **Chairman, Finance Committee (Departmental - Transportation)**

Requested: November 14, 2000

Introduced and read first time: January 10, 2001

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Mass Transit Administration - Unit Name**

3 FOR the purpose of altering the unit name of the Mass Transit Administration;  
4 providing that the Maryland Transit Administration is a unit of the Department  
5 of Transportation; deleting an obsolete reference; and relating generally to the  
6 renaming of the Mass Transit Administration.

7 BY repealing and reenacting, with amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 594B(g)(6)  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 2000 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article 41 - Governor - Executive and Administrative Departments  
14 Section 4-201(a)(8)(i)5.  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 2000 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Commercial Law  
19 Section 11-203(8)  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Courts and Judicial Proceedings  
24 Section 2-309(d)(3)  
25 Annotated Code of Maryland  
26 (1998 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, with amendments,

1 Article - Health - General  
2 Section 18-213(a)(3)(vii) and 18-213.2(a)(8)(vii)  
3 Annotated Code of Maryland  
4 (2000 Replacement Volume)

5 BY repealing and reenacting, with amendments,  
6 Article - Insurance  
7 Section 27-401(b)(2) and 27-402(10)  
8 Annotated Code of Maryland  
9 (1997 Volume and 2000 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article - State Finance and Procurement  
12 Section 4-415(c)(1)(iii)  
13 Annotated Code of Maryland  
14 (1995 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - State Personnel and Pensions  
17 Section 3-102(b)(1) and 21-110(b)(2)  
18 Annotated Code of Maryland  
19 (1997 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Transportation  
22 Section 1-101(i), 2-103.4(c)(4)(iii), 2-107(a)(3), 7-101(b) and (c), 7-201,  
23 7-202(a), 7-207(b)(1), (c)(1), (d), and (f), 7-208(b), 7-212, 7-705(b)(9),  
24 7-902(b), 7-903, and 8-408(a)(7)  
25 Annotated Code of Maryland  
26 (1993 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article - Transportation  
29 Section 13-810(a)(23) and 16-205.1(i)(3)(i)5.  
30 Annotated Code of Maryland  
31 (1999 Replacement Volume and 2000 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
33 MARYLAND, That the Laws of Maryland read as follows:

**Article 27 - Crimes and Punishments**

594B.

(g) For purposes of this section, the term "police officer" means any person who, in an official capacity, is authorized by law to make arrests and who is:

(6) A member of the [Mass] MARYLAND Transit Administration Police Force, or the Maryland Port Administration Police Force of the Department of Transportation or the Maryland Transportation Authority Police Force;

**Article 41 - Governor - Executive and Administrative Departments**

4-201.

(a) As used in this section:

(8) (i) "Police officer" means a person who has the authority to enforce the general criminal laws of this State and is a member of any of the following law enforcement units:

5. [Mass] MARYLAND Transit Administration Police Force, the Maryland Port Administration Police Force of the Department of Transportation, or the Maryland Transportation Authority Police Force;

**Article - Commercial Law**

11-203.

This subtitle does not make illegal the activity of:

(8) Any person to the extent that the activity is subject to the jurisdiction of the [Mass] MARYLAND Transit Administration or the Washington Metropolitan Area Transit Authority;

**Article - Courts and Judicial Proceedings**

2-309.

(d) (3) During the course of his employment, any deputy sheriff of Baltimore City may ride in Baltimore City on public transportation of the [Mass] MARYLAND Transit Administration without paying any fare if he shows proper identification regarding his position as a deputy sheriff.

**Article - Health - General**

18-213.

(a) (3) "Law enforcement officer" means any person who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(vii) The [Mass] MARYLAND Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority Police Force, and the Maryland Port Administration police force of the Department of Transportation;

18-213.2.

(a) (8) "Law enforcement officer" means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(vii) The Maryland Aviation Administration police force of the Department of Transportation, the [Mass] MARYLAND Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority police force, and the Maryland Port Administration police force of the Department of Transportation;

**Article - Insurance**

27-401.

(b) "Claim" includes a demand for payment or benefit made against:

(2) the [Mass] MARYLAND Transit Administration when acting as a self-insurer under § 7-703 of the Transportation Article.

27-402.

The provisions of this subtitle that apply to insurers also apply to:

(10) the [Mass] MARYLAND Transit Administration when acting as a self-insurer under § 7-703 of the Transportation Article;

**Article - State Finance and Procurement**

4-415.

(c) (1) This subsection does not apply to any capital expenditure by:

(iii) the [Mass] MARYLAND Transit Administration.

1                                   **Article - State Personnel and Pensions**

2 3-102.

3       (b)       This title does not apply to:

4               (1)       employees of the [Mass] MARYLAND Transit Administration, as that  
5 term is defined in § 7-601(a)(2) of the Transportation Article;

6 21-110.

7       (b)       (2)       The [Mass] MARYLAND Transit Administration shall pay all  
8 financing costs of a pension or retirement system established under §§ 7-206 and  
9 7-603 of the Transportation Article, including the pro rata share of the administrative  
10 costs that the Board of Trustees incurs.

11                                   **Article - Transportation**

12 1-101.

13       (i)       "Modal administration" means any of the following:

14               (1)       The State Aviation Administration;

15               (2)       The Maryland Port Administration;

16               (3)       The [Mass] MARYLAND Transit Administration;

17               (4)       The State Highway Administration; OR

18               (5)       The Motor Vehicle Administration [; or

19               (6)       The State Railroad Administration].

20 2-103.4.

21       (c)       (4)       Nothing in this Act shall affect:

22               (iii)       The rights of [Mass] MARYLAND Transit Administration  
23 employees eligible under § 7-601 of this article to be included in a collective  
24 bargaining unit.

25 2-107.

26       (a)       The following units are in the Department:

27               (3)       [Mass] MARYLAND Transit Administration;

28 7-101.

29       (b)       "Administration" means the [Mass] MARYLAND Transit Administration.

1 (c) "Administrator" means the [Mass] MARYLAND Transit Administrator.

2 7-201.

3 There is a [Mass] MARYLAND Transit Administration in the Department.

4 7-202.

5 (a) The head of the Administration is the [Mass] MARYLAND Transit  
6 Administrator, who shall be appointed by the Secretary with the approval of the  
7 Governor.

8 7-207.

9 (b) (1) A [Mass] MARYLAND Transit Administration police officer has all  
10 the powers granted to a peace officer and a police officer of this State. These powers  
11 may be exercised only on property owned, leased, or operated upon, by, or under the  
12 control of the Administration and not on any other property unless:

13 (i) Engaged in fresh pursuit of a suspected offender;

14 (ii) Specially requested or permitted to do so in a political  
15 subdivision by its chief executive officer or its chief police officer; or

16 (iii) Ordered to do so by the Governor.

17 (c) (1) In consultation with the Maryland Police Training Commission, the  
18 Administrator, with the approval of the Secretary, shall adopt standards,  
19 qualifications, and prerequisites of character, training, education, human and public  
20 relations, and experience for [Mass] MARYLAND Transit Administration police  
21 officers, including standards for the performance of their duties.

22 (d) The Administrator with the approval of the Secretary shall adopt rules and  
23 regulations governing the operation and conduct of the [Mass] MARYLAND Transit  
24 Administration police force.

25 (f) The [Mass] MARYLAND Transit Administration police force may issue  
26 citations for violations of the rules and regulations adopted by the Administration  
27 under this title.

28 7-208.

29 (b) (1) For fiscal year 2001 and thereafter, the Administration shall recover  
30 from fares and other operating revenues at least 40 percent of the operating costs for  
31 the [Mass] MARYLAND Transit Administration bus, light rail, and metro services in  
32 the Baltimore region.

33 (2) The Administration shall establish a cost recovery goal of 50 percent.

34 (3) The Administration shall obtain the fare recovery ratio through the  
35 establishment of reasonable fares in the Baltimore region and the implementation of

1 cost containment measures as deemed necessary to meet the standard required under  
2 this paragraph.

3 7-212.

4 Every rule, regulation, form, order, and directive adopted by or relating to the  
5 former Metropolitan Transit Authority remains in effect until changed by the  
6 Administrator or the Secretary. Every reference in this Code, any other law,  
7 ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any  
8 other document to the Metropolitan Transit Authority or the Public Transit  
9 Administration means the [Mass] MARYLAND Transit Administration.

10 7-705.

11 (b) It is unlawful for any person to engage in any of the following acts in any  
12 transit vehicle or transit facility, designed for the boarding of a transit vehicle, which  
13 is owned or controlled by the Administration or a train owned or controlled by the  
14 Administration or operated by a railroad company under contract to the  
15 Administration to provide passenger railroad service:

16 (9) Board any transit vehicle through the rear exit door, unless so  
17 directed by an employee or agent of the [Mass] MARYLAND Transit Administration;

18 7-902.

19 (b) The Administration shall recover at least 50 percent of total operating  
20 costs for all passenger railroad services under its control from fares and operating  
21 revenues. Notwithstanding § 7-208 of this title, the [Mass] MARYLAND Transit  
22 Administration shall calculate for passenger rail services a separate farebox recovery  
23 ratio for the administrative purposes of determining a separate cost recovery ratio for  
24 each of the aforementioned transit modes from the calculation for mass transit,  
25 Metro, and light rail.

26 7-903.

27 Every rule, regulation, form, order, and directive adopted by or relating to the  
28 former State Railroad Administration remains in effect until changed by the [Mass]  
29 MARYLAND Transit Administrator or the Secretary. Every reference in this Code, any  
30 other law, ordinance, resolution, rule, regulation, order, directive, legal action,  
31 contract, deed or any other document to the State Railroad Administration means the  
32 [Mass] MARYLAND Transit Administration.

33 8-408.

34 (a) Highway user revenues distributed to Baltimore City and Kent County  
35 may be used only to pay or finance:

36 (7) As to Baltimore City, through fiscal year 2002, students' costs of  
37 discounted [Mass] MARYLAND Transit Administration fares for eligible public school  
38 students in Baltimore City.

1 13-810.

2 (a) On issuance in this State of an original or subsequent certificate of title for  
3 a vehicle, the vehicle is exempt from the excise tax imposed by this part, if it is:

4 (23) A vehicle which is used exclusively in the transportation of disabled  
5 or elderly persons, owned by a nonprofit organization, and in which the [Mass]  
6 MARYLAND Transit Administration retains a security interest;

7 16-205.1.

8 (i) Notwithstanding any other provision of this section, a test for drug or  
9 controlled dangerous substance content under this section:

10 (3) May only be requested as described under subsection (b) of this  
11 section, required as described under subsection (c) of this section, or directed as  
12 described under subsection (d) of this section:

13 (i) In the case of a police officer who is a trainee, or who is  
14 participating directly or indirectly in a program of training described in paragraph (2)  
15 of this subsection, if the police officer is a member of, and is designated as a trainee or  
16 a participant by the head of:

17 5. The [Mass] MARYLAND Transit Administration Police  
18 Force.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
20 effect October 1, 2001.